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Attorney for MOUSTAPHA MOUSTAPHA

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MOUSTAPHA MOUSTAPHA,

Defendant.

No. CR 24-CR-168-MS

DEFENDANT MOUSTAPHA  
MOUSTAPHA'S NOTICE OF THE  
GOVERNMENT'S WEEKEND  
DISCLOSURE OF ITS INTENT TO  
CALL A CI AS A WITNESS AT  
TRIAL

Mr. Moustapha, by and through his counsel of record, hereby notices the Court of the following: minutes ago, during a 2:00 p.m. conference call between defense counsel and AUSAs Scott and Lachman, the government disclosed, for the first time, its intent to call a CI as a trial witness in its case-in-chief. It did not disclose the CI's identity.

The government filed a witness list on August 8, 2024 (ECF 24) that did not disclose its intent to call a CI as a witness. Failure to include the CI on the filed witness

1 list cannot be attributed to legitimate security concerns,  
2 as the government knows that in cases where the government  
3 plans to call a CI as a witness, it will publicly file  
4 either (1) a redacted witness list or (2) an unredacted  
5 witness list that refers to the CI by a naming convention  
6 that conceals the CI's identity from the public (e.g., CW-  
7 1).

8 To date, Mr. Moustapha has received no CI discovery  
9 whatsoever. The government has not even sought a  
10 protective order that would allow it to disclose pertinent  
11 information derived from the CI. As a result, it has not  
12 disclosed crucial information necessary to cross examine  
13 the CI or assess the viability of potential trial  
14 defenses, including critical pieces of information like:  
15 (1) the extent to which the CI was utilized in the  
16 government's investigation; (2) benefits provided to the  
17 CI; (3) promises made to the CI; (4) the CI's prior  
18 relationship with Mr. Moustapha and/or case agents; (5)  
19 prior convictions or acts of moral turpitude by the CI;  
20 (4) prior acts of dishonesty by the CI; (5) a forensic  
21 copy of the device(s) that the CI allegedly used to  
22 conduct unmonitored, case-related activities for the  
23 government; (6) toll records or other records that would  
24 corroborate information the CI provided to the government  
25 during unmonitored cooperation (those interviews have not  
26 been produced); (7) case related interviews of the CI; (8)

1 any ongoing or uncharged criminal activity by the CI; (9)  
2 the CI's involvement in the charged conduct and whether  
3 that involvement predated his cooperation with the  
4 government; (10) Jencks material, including written  
5 communications with case agents (which the government  
6 indicated it has); and (11) CI-related *Brady* information,  
7 including prior times the CI was terminated from CI  
8 programs.

9 The Court's standing order required the government to  
10 provide critical, case-related CI information within two  
11 (2) weeks of Mr. Moustapha's PIA. It did not. Nor did it  
12 seek a protective order that would have allowed it to  
13 disclose CI information in its possession or seek  
14 permission from the Court to withhold CI information until  
15 a later date.

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18 Respectfully Submitted,

19  
20 Dated: August 10, 2024

21 //s// Meghan Blanco  
22 MEGHAN BLANCO  
23 Attorney for  
24 MOUSTAPHA MOUSTAPHA  
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